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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/486,134

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ROLAND HETRICH

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EXAMINER

DHARIA, PRABODH M

ART UNIT

PAPER NUMBER

2673

DATE MAILED: 04/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/486,134

Applicant(s)

HETTRICH ET AL.

Examiner

Prabodh M Dharia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### *Specification*

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

1. The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be

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accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

2. A substitute specification including the claims is required pursuant to 37 CFR 1.125(a) because application papers renders it difficult to arrange for printing or copying.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

### ***Drawings***

3. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81. No new matter may be introduced in the required drawing.

### ***Information Disclosure Statement***

4. The reference cited on 1449 (EP 0037489, EPO734009 A2, JP 04-124612) are not considered by the examiner, because there is no English translation.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 7 line 5, the phrase “an average of a value interval” What an average of a value interval applicant is referring to? What average value is applied ? also, claim 7 line 6, the phrase “a momentary value” is not clear. What momentary value applicant is referring to?

7. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 8, line 14, the phrase “stored average” is not clear. What stored average applicant is referring to?

8. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 13, line 5, the phrase “an average of a value interval” What an average of a value interval applicant is referring to? What average value is applied ?

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 7,8,12 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto (5,515,074).

Regarding Claim 7, Yamamoto teaches an apparatus having a readjustment mechanism for readjusting at least one operating parameter of the apparatus, the apparatus comprising: a memory (Col.2, Lines 11-14); means for storing an average of a value interval in the memory (Col.2, Lines 11-14); and means for overwriting the stored value with a momentary value of the operating parameter wherein, following a renewed readout of the stored average, the new momentary value defines a position of the value interval (14 of figure 1, Col. 3, Lines 1-17).

Regarding Claim 8, Yamamoto teaches, an average value set at the factory is additionally stored and can overwrite the momentary value of the operating parameter such that, following a renewed readout of the stored average, the average value set at the factory defines the position of the value interval (Col.3 Lines 31-41).

Regarding Claim 12, Yamamoto teaches when the apparatus is turned off, the stored averages are overwritten with momentary values of corresponding operating parameters such that the values are read out as new averages when the apparatus is turned back on (Col.4, Line 16-31).

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 9-11,13-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (5,515,074), and further in view of Trundle (TV and Video Technology pages 117-121).

Regarding Claims 9, Yamamoto teaches the operating parameter to be readjusted although he does not teach operating parameter is a supply voltage of a display device of the apparatus.

However Trundle does teach about operating parameter is a supply voltage ( page 119, Line 24,25) of a display device of the apparatus (figure 8.10, page 117, paragraph 4, Lines 1,2), thus it would have been obvious to one in ordinary skill in the art at the time of invention was made to incorporate the teaching of Trundle in Yamamoto teaching for maintaining a good display image with environmental changes and aging of the apparatus.

Regarding Claims 10,11, Yamamoto teaches a display device, although he fails to teach about a test image to be displayed on the display during the readjustment, wherein the influence of the readjustment of the supply voltage of the display device can be observed by a user during the readjustment and the test image shows areas of different colors during the readjustment, where chromatic values are modified by the readjustment.

However Trundle does teach a test image to be displayed on the display during the readjustment, wherein the influence of the readjustment of the supply voltage ( page 119, Lines 24-28) of the display device can be observed by a user during the readjustment and the test image shows areas of different colors during the readjustment, where chromatic values are modified by the readjustment (figure 8.10, page 117, paragraph 4, Lines 1,2, page 119, Lines

24-28), thus it would have been obvious to one in ordinary skill in the art at the time of invention was made to incorporate the teaching of Trundle in Yamamoto teaching for maintaining a good display image with environmental changes and aging of the apparatus.

Regarding Claim 13, Yamamoto teaches an apparatus having a readjustment mechanism for readjusting at least one operating parameter of the apparatus, the apparatus comprising: a memory ( Col.2, Lines 11-14); means for storing an average of a value interval in the memory ( Col.2, Lines 11-14); and means for overwriting the stored value with a momentary value of the operating parameter wherein, following a renewed readout of the stored average, the new momentary value defines a position of the value interval (14 of figure 1, Col. 3, Lines1-17) although fail to teach specifically about an apparatus with micro-processor compute an average of a value interval.

However Trundle does teach an apparatus (figure 8.10), with Micro-processor (figure 8.10) and it is well known in the art that an apparatus with Micro-processor does calculate the average of a value interval, thus it would have been obvious to one in ordinary skill in the art at the time of invention was made to incorporate the teaching of Trundle in Yamamoto teaching for maintaining a good display image with environmental changes and aging of the apparatus.

Regarding Claim 14, Yamamoto teaches storing an average set at the factory, over writing the stored average with the average set at the factory; and defining the position of the value interval by the average set at the factory following a renewed readout of the stored averages. (Col. 2, Lines 65-67).

Regarding Claim 15 Yamamoto teaches the operating parameter to be readjusted

although he does not teach operating parameter is a supply voltage of a display device of the apparatus.

However Trundle. does teach the operating parameter is a supply voltage of a display device of the apparatus (page 119, Lines 24-28), thus it would have been obvious to one in ordinary skill in the art at the time of invention was made to incorporate the teaching of Trundle in Yamamoto teaching for maintaining a good display image with environmental changes and aging of the apparatus.

Regarding Claims 16,17 Yamamoto teaches the operating parameter to be readjusted although he does not teach a test image to be displayed on the display during the readjustment, wherein the influence of the readjustment of the supply voltage of the display device can be observed by a user during the readjustment and the test image shows areas of different colors during the readjustment, where chromatic values are modified by the readjustment.

However Trundle does teach a test image to be displayed on the display during the readjustment, wherein the influence of the readjustment of the supply voltage of the display device can be observed by a user during the readjustment and the test image shows areas of different colors during the readjustment, where chromatic values are modified by the readjustment (figure 8.10, page 117, paragraph 4, Lines 1,2, page 119, Lines 24-28), thus it would have been obvious to one in ordinary skill in the art at the time of invention was made to incorporate the teaching of Trundle in Yamamoto teaching for maintaining a good display image with environmental changes and aging of the apparatus

Regarding Claim 18, Yamamoto teaches when the apparatus is turned off, the stored averages are overwritten with momentary values of corresponding operating parameters such that the values are read out as new averages when the apparatus is turned back on (Col.4, Line 16-31).

### *Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kazunori et al. (JP409061788A) Liquid Crystal Display Device.

Ciciora (3,962,722) Color Television Setup Apparatus and Method

Ghaem-Maghami et al. (4,485,394) Automatic Convergence and Gray Scale Correction for Television Receiver and projection Television Systems.

Webb et al.(6,151,018) Video Picture Improving Apparatus and Method.

Prompt Publication, (Author) Desposito and Kevin Garabedian (0-7906-1134-1- Book Number, Library of Congress Catalog Card Number: 97-69161) Complete Projection TV Trouble Shooting and Repair.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prabodh Dharia whose telephone number is (703) 605-1231. The examiner can normally be reached Monday- Friday from 8:00 AM to 5:00 PM.

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If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached at (703) 305-4938. The fax number of the group is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4750.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231



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